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In re Application of: Santosh Misra

Art Unit: 1638

Application No. 09/641,540

CERTIFICATE OF MAILING

Filed: August 18, 2000

For: PLANT-GENE PROMOTER AND METHODS
OF USING THE SAME

Examiner: Strzelecka

Date: January 14, 2002

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on January 14, 2002 as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

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AMENDMENT AND REPLY TO RESTRICTION REQUIREMENT

This is a response to a Restriction Requirement dated December 12, 2001. A one-month period for response was set, making a response due on or before Monday, January 14, 2002.

Claims 1-29 were pending in the application. The claims were classified in seven groups. Applicants provisionally elect the claims of Groups I-V (claims 1-16, and 19-21) for prosecution, with traverse.

Please amend the specification as follows:

Please replace the two paragraphs on page 4, lines 14-26, with the following:

Another aspect of the invention provides fragments and deletions of the promoter, such as those shown in SEQ ID NOS: 22, 23, 24, 25, and variants thereof. The variant promoters are characterized by their retention of at least 50% sequence identity with the disclosed promoter sequences (SEQ ID NOS: 17, 22, 23, 24, and 25), or by their retention of at least 20, 30, 40, 50, or 60 consecutive nucleic acid residues of the disclosed promoter sequences (SEQ ID NOS: 17, 22, 23, 24, and 25). In each case these promoters at least retain promoter activity and, in some cases, these promoters exhibit native dfMTP promoter activity.

It is also contemplated that promoters such as the CaMV35S promoter may be altered through the introduction of one or more sequences found in the dfMTP promoter. The resulting